

REMARKS

Claims 1, 2 and 4 -13 are currently pending in the present application. By this amendment, claims 1 and 7 have been amended. No new matter will be entered in the application via these amendments. Applicants respectfully request reconsideration of the application in view of the above amendments and the following remarks.

1. Claims 1, 2, 4-10, 12 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Funke (DE 2906708) in view of Asaoka (JP 05169906). Applicants respectfully submit that amended independent claims 1 and 7 are patentably distinct from the cited references.

Amended independent claims 1 and 7 recite, *inter alia*:

an axle housing having a differential housing ... a pair of axle tubes fixed to said differential housing within said housing body;

brackets each having a ring portion wherein said pair of ... brackets are fitted on said pair of axle tubes adapted for mounting said axle housing to a base frame ...

wherein said differential housing is substantially centered between said pair ... brackets.

Applicants respectfully submit that Funke fails to disclose or suggest an axle housing assembly having axle tubes fixed to the differential housing and a pair of axle brackets each having a ring portion wherein the pair of axle brackets are fitted on the pair of axle tubes wherein the differential housing is substantially centered between the axle brackets. Asaoka does nothing to remedy this deficiency.

As can be seen in Figure 1 of the present application, the differential housing 22 is substantially centered between the pair of axle brackets 26 and is fixed to the pair of axle tubes 24. Furthermore, thick portion 54 of the axle bracket 26a is projected to the differential housing 22 and fixed in the repulsing force receiving portion 40. As a result, the axle bracket 26a can receive the repulsive force, through the differential housing 22 and the pair of axle brackets 26 do not contact with each other directly. Neither Funk nor Asaoka disclose or suggest such an axle housing.

For example, Funke teaches a differential housing (Getriebegehäuse 8 (corresponding to differential housing 22 in the present application)) that is in direct contact with the axle bracket (Rahmenausleger 5). Similarly, Asaoka teaches a differential housing 2 that is in direct contact with the axle bracket 3, therefore, this constitution is different from that of the present application.

Without admitting that it is proper to combine Funke with Asaoka, applicants respectfully submit that no combination of the elements taught by these two references achieves the indicating axle housing recited in claims 1, 2, 4-10 and 12-13. Therefore, Applicants respectfully request withdrawal of this ground of rejections.

2. Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Funke (DE 2906708) in view of Pegg (U.S. Patent No. 5,175,665). Claim 11 depends indirectly from independent claim 7.

As discussed above, Applicants respectfully submit that Funke fails to disclose or suggest an axle housing assembly having axle tubes fixed to the differential housing and a pair of

Serial No. 09/379,4679
Response dated March 25, 2004
Reply to Office Action of 11/26/03

Docket No. 5000-4679

axle brackets each having a ring portion wherein the pair of axle brackets are fitted on the pair of axle tubes wherein the differential housing is substantially centered between the axle brackets.

Pegg does nothing to remedy this deficiency. Therefore, Applicants respectfully submit that claim 11 is patentably distinct from the cited references.

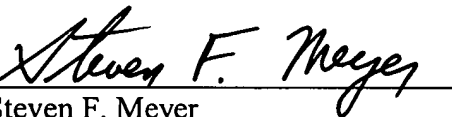
CONCLUSION

It is now believed that all pending claims are in condition for allowance. In view of these remarks, an early and favorable reconsideration is respectfully requested.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: March 26, 2004

By: 
Steven F. Meyer
Registration No. 35,613

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154
(212) 758-4800 (telephone)
(212) 751-6849 (facsimile)